

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

OCT 31 2017

Clerk, U.S. District Court  
District Of Montana  
Missoula

MONTANA ENVIRONMENTAL  
INFORMATION CENTER,

CV 15-106-M-DWM

Plaintiff,

ORDER

vs.

UNITED STATES OFFICE OF  
SURFACE MINING, an agency within  
the U.S. Department of Interior, *et al.*,

Defendants,

and

SIGNAL PEAK ENERGY, LLC,


Defendant-Intervenor.

On August 14, 2017, the Court ordered “that mining of the federal coal within the Amendment 3 permit boundary, *see* AR 021298-99, is ENJOINED pending compliance with NEPA.” (Doc. 60 at 64.) Defendant-Intervenor Signal Peak Energy, LLC, seeks to amend that remedy pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. (Doc. 69.) Federal Defendants join in the motion, (Doc. 71), while Plaintiff Montana Environmental Information Center

opposes it, (Doc. 82). A hearing was held today, October 31, 2017, to consider arguments and evidence on the motion. Based on the briefing and the hearing,

IT IS ORDERED that the injunction is modified only to the extent that Signal Peak may conduct development work within the federal coal located in Section 8 within the Amendment 3 permit boundary, as identified in the amended Exhibit A to Signal Peak's brief in support, (*see* Doc. 74). The amount of federal coal displaced by such development work shall not exceed 170,000 tons, and any federal coal so displaced must be stockpiled and stored at the Mine, and shall be neither sold nor shipped. In all other regards, the injunction as set forth in the Court's Order of August 14, 2017, (Doc. 60), remains in full force and effect. A written opinion explaining the basis of the Court's decision will follow.

DATED this 31<sup>st</sup> day of October, 2017.

  
Donald W. Molloy, District Judge  
United States District Court

16:31 P.M.